

AMENDED IN SENATE APRIL 12, 2005

**SENATE BILL**

**No. 969**

**Introduced by Senators Ducheny and Morrow**  
*(Coauthor: Assembly Member Canciamilla)*

February 22, 2005

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An act to amend Section 27803 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 969, as amended, Ducheny. Vehicles: motorcycles: safety helmets: exceptions.

Existing law requires a driver and any passenger to wear a safety helmet meeting certain requirements when riding on a motorcycle, motor-driven cycle, or motorized bicycle.

This bill would exempt from this requirement a ~~specified~~ driver who is 18 years of age or older and either has completed a motorcycle rider training program or has been issued a class M1 license or endorsement, or a comparable license or endorsement from another jurisdiction, for 2 years or more *and has proof of current medical insurance on his or her person. The bill would also exempt from the requirement a passenger who is 18 years of age or older if the passenger has proof of current medical insurance on his or her person.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 27803 of the Vehicle Code is amended  
2 to read:

1 27803. (a) A driver and any passenger shall wear a safety  
2 helmet meeting requirements established pursuant to Section  
3 27802 when riding on a motorcycle, motor-driven cycle, or  
4 motorized bicycle.

5 (b) It is unlawful to operate a motorcycle, motor-driven cycle,  
6 or motorized bicycle if the driver or any passenger is not wearing  
7 a safety helmet as required by subdivision (a).

8 (c) It is unlawful to ride as a passenger on a motorcycle,  
9 motor-driven cycles, or motorized bicycle if the driver or any  
10 passenger is not wearing a safety helmet as required by  
11 subdivision (a).

12 (d) This section applies to persons who are riding on  
13 motorcycles, motor-driven cycles, or motorized bicycles operated  
14 on the highways.

15 (e) For the purposes of this section, “wear a safety helmet” or  
16 “wearing a safety helmet” means having a safety helmet meeting  
17 the requirements of Section 27802 on the person’s head that is  
18 fastened with the helmet straps and that is of a size that fits the  
19 wearing person’s head securely without excessive lateral or  
20 vertical movement.

21 (f) This section does not apply to a person operating, or riding  
22 as a passenger in, a fully enclosed three-wheeled motor vehicle  
23 that is not less than seven feet in length and not less than four  
24 feet in width, and has an unladed weight of 900 pounds or more,  
25 if the vehicle meets or exceeds all of the requirements of this  
26 code, the Federal Motor Vehicle Safety Standards, and the rules  
27 and regulations adopted by the United States Department of  
28 Transportation and the National Highway Traffic Safety  
29 Administration

30 (g) This section does not apply to a driver who is 18 years of  
31 ~~age or older and meets either of the following requirements:~~  
32 *age or older and meets the following requirements:*

33 *(1) The driver satisfies one or both of the following:*

34 *(A) Has completed a motorcycle rider training program that*  
35 *complies with Section 2932.*

36 ~~*(2)*~~

37 *(B) Has been issued a class M1 license or endorsement, or a*  
38 *comparable license from another jurisdiction, for two years or*  
39 *more.*

40 ~~*(h)*~~

1     (2) *The driver has proof of current medical insurance on his*  
2     *or her person.*

3     (h) *This section does not apply to a passenger who is 18 years*  
4     *of age or older and has proof of current medical insurance on his*  
5     *or her person.*

6     (i) In enacting this section, it is the intent of the Legislature to  
7     ensure that all persons are provided with an additional safety  
8     benefit while operating or riding a motorcycle, motor-driven  
9     cycle, or motorized bicycle.

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